

Application No. 09/444,356
Atty. Docket No.: 2138-991562

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/444,356 Confirmation No.: 8537

Applicant : DAVID P. CATANOSO

Filed : November 18, 1999

Title : VIDEO RECORDING AND PRODUCTION SYSTEM

Group Art Unit : 2613

Examiner : Allen C. Wong

Customer No. : 28289

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.132

Sir:

I, David P. Catanoso, hereby declare as follows:

1. I am a citizen of the United States of America, and a resident of Ocean View, NJ.

2. I am the sole inventor of the subject matter disclosed and claimed in the above-identified patent application.

3. The disclosed invention was first commercially implemented in July 1998. Specifically, the system was first used in conjunction with an amusement park ride called "The Rocket", located at the Dinosaur Beach amusement park in Wildwood, NJ. During the partial

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summer of 1998, the system generated \$11,308 in gross revenue. The system continued to operate through most of the summer of 1998 until a structural problem with steel towers of another similar ride in Atlantic City, NJ on August 8, 1998, prompted the State of NJ to stop operation of all similar rides in the state, pending the outcome of an investigation.

4. Due to "The Rocket" ceasing operation, I searched for another attraction on which to implement the system. By the fall of 2001, I had identified and obtained permission to operate a concession on the "Crazy Mouse" roller coaster on the Steel Pier in Atlantic City, NJ. Without modifying the underlying features of the system as disclosed in the patent application, I adapted the system to capture images from this roller coaster. During the summer of 2002, the system generated \$29,966.04 in gross revenue.

5. During the winter of 2002-2003, I sold a separate system for over \$11,000 plus royalties for use to Sunrise Helicopters, L.L.C., for use on the "Helicopter Tour" attraction, also at the Steel Pier in Atlantic City, NJ. Furthermore, I expanded my concession to operate systems in conjunction with two additional attractions, namely a "Log Flume" ride and a "Kiddie" roller coaster. During the summer of 2003, the combined revenue generated by the systems was \$52,528.66 in direct concession sales, system sales and royalties. The system continues to operate today in conjunction with the "Helicopter Tour" attraction and the "Crazy Mouse" roller coaster. The year-to-date revenue in direct concession sales from the "Crazy Mouse" and system/materials sales and royalties from Sunrise Helicopters, L.L.C. is over \$58,000.00.

6. I have worked either full or part-time in the amusement industry since 1995 and have attended numerous International Association of Amusement Parks and Attractions Tradeshows (the largest association of amusement parks and associated vendors/manufacturers in the world), as well as other smaller shows both as a buyer and as an exhibitor. In addition in the capacity of an amusement industry professional and as a father of four children, I have visited and participated in and/or ridden, multiple times, just about all major

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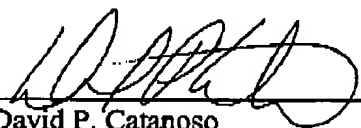
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attractions in Disney and Universal Parks in Orlando, FL. Furthermore, I have made frequent and multiple visits to many major theme parks operated by Six Flags, Busch Gardens, Premier, Hershey, as well as other amusement parks on the NJ coast. I have yet to see any system, utilizing a personalized identification device attached to the patron, as disclosed in United States Patent No. 6,526,158 to Goldberg, operating at any of the above-identified amusement parks, advertised in any trade publication, or demonstrated for sale at a tradeshow.

7. As discussed above, there is an unfulfilled need in the amusement park industry to provide a video production system for use with an amusement ride. As can be seen from the above-identified sales and revenue figures, there is an increasing market demand for such a system. The ability to easily adapt the system of my invention in the currently pending claims, to operate in conjunction with a variety of dissimilar rides, contributes to the substantial sales and commercial success of the present invention in the marketplace.

8. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



David P. Catanoso
9/17/04

Date